

Chap.

CRITERIA FOR TRIBAL CWA APPLICATIONS

(See, 33 U.S.C. § 1377 and 40 C.F.R. § 131.8)

- Tribe recognized by Secretary of Interior and meets the definitions set forth in 40 C.F.R. §§ 131(k) & (l).
- Tribe has governing body that carries out substantial governmental duties and powers.
 - (1) Describe form of government
 - (2) Describe types of governmental functions carried out by Tribal government (esp. exercise of police powers affecting or related to health, safety and welfare of affected population, taxation, power of imminent domain)
 - (3) Identify source of authority to carry out these functions
- Application pertains to Management and Protection of Water Resources within the borders of the Reservation and (a) held by the Tribe, (b) held by the U.S. in Trust for Indians, (c) held by member if trust restriction on alienation, or (d) otherwise within the borders of the Reservation.

Describe authority to regulate water quality, including:

- (1) Map or legal description of area over which Tribe asserts authority
 - (2) Statement by Tribe's legal counsel that describes basis for authority
 - (3) Copy of documents (Tribal constitution, by laws, charters, executive orders, codes, ordinances, and/or resolutions) supporting assertion of authority, and
 - (4) Identify surface waters for which Tribe proposes to establish standards
- Tribe is reasonably expected to be capable, in the RA's judgment, of carrying out the functions of an effective WQS program.

Describe capability of Tribe to administer an effective program, including:

- (1) Describe previous management experience (including the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450, the Indian Mineral Development Act, 25 U.S.C. 2101, or the Indian

Sanitation Facility Construction Activity Act, 42
U.S.C. 2004a)

- (2) List existing environmental or public health programs administered by the Tribe, and copies of related Tribal laws, policies, and regulations,
- (3) Describe the entities that exercise the executive, legislative, and judicial function of Tribal government,
- (4) Describe the Tribal agency that will establish, review, implement, and revise WQ standards
- (5) Describe the technical and administrative capabilities of the staff to effectively administer and manage the program, or describe a plan that proposes how such capabilities will be developed, including funding